

Remarks:

Applicant respectfully requests reconsideration of the Office action dated July 12, 2004. Prior to entry of the present amendment, claims 1-8 remained pending in the application.

In the Office action claims 1, 2, 4, 7 and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by Toyoshima (U.S. Patent No. 4,958,381). Claims 3 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Toyoshima in view of Official Notice taken by the Examiner. Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Toyoshima in view of Logan et al. (U.S. Patent No. 5,732,216).

By this amendment, applicant has amended claims 1, 6 and 7. Applicant also has added new claims 9-15. Allowance of pending claims 1-15 is respectfully requested in view of the foregoing amendments and following remarks.

Rejections under 35 U.S.C. § 102(b)

As noted above, claims 1, 2, 4, 7 and 8 stand rejected under to 35 U.S.C. § 102(b) as being anticipated by Toyoshima. Toyoshima discloses a two-way communication system for use in an aircraft. The system employs a "leaky cable" which "serves as a bi-directional signal transmission means" for communicating a frequency-multiplexed signal to tuners associated with each of plural passenger seats. The frequency-multiplexed signal carries a variety of audio signals and video signals which are de-multiplexed and distributed to the audio and video components once received at a passenger seat.

In contrast to the subject matter recited in amended claim 1, Toyoshima does not disclose or suggest a transmitter "adapted for wireless transmission of such audio and video signal components." In fact, Toyoshima expressly employs a "leaky cable" for the purpose of communicating multiplexed audio and video signals. The "leaky cable" (effectively a wire) must be run to each passenger seat. For at least this reason, the rejection of claim 1 under 35 U.S.C. § 102(b) thus must be withdrawn.

Even if communication via such "leaky cable" were considered to be wireless (as the examiner apparently suggests), it will be appreciated that Toyoshima does not disclose or suggest an audio receiver "adapted for wireless receipt of the audio signal component transmitted by the onboard transmitter. In fact, Toyoshima expressly describes a pair of head phones (35c) connected to a selection and display apparatus (35) via a wire (see Fig. 1). For at least this additional reason, the rejection of claim 1 under 35 U.S.C. § 102(b) must be withdrawn.

Claims 2, 4, 7 and 8 depend from claim 1, and thus are distinguished from Toyoshima for at least the same reasons as claim 1. The rejection of claims 2, 4, 7 and 8 under 35 U.S.C. § 102(b) must be withdrawn.

Additionally, applicant notes that Toyoshima fails to disclose that "the passenger compartment of the vehicle shields the audio receiver and the video receiver from interference due to audio/video signals exterior to the vehicle" as recited in claim 2. The Examiner apparently takes the position that any form of electromagnetic radiation shielding offered by the aircraft fuselage meets the language of claim 2. No such shielding is discussed by Toyoshima. Furthermore, it will be understood that electromagnetic radiation shielding which may inherently result from the existence of a

metal fuselage would not be of a character that would shield the audio receiver and the video receiver from interference due to audio/video signals exterior to the vehicle” as recited in claim 2. The rejection of claim 2 under 35 U.S.C. § 102(b) thus must be withdrawn for this reason as well as those set forth above.

Furthermore, claim 7 has been amended to recite a wireless headset, and thus is further distinguished from Toyoshima. The rejection of claim 7 under 35 U.S.C. § 102(b) thus must be withdrawn for this reason as well as those set forth above.

Rejections under 35 U.S.C. § 103(a)

Claims 3 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Toyoshima in view of Official Notice taken by the Examiner. In particular, the Examiner asserts that it is well known in the art to digitally encode and subsequently decode video signals for transmission, and that it is well known to incorporate AM/FM radio broadcasts into closed network audio/video distribution systems. Applicant respectfully disagrees, and requests that the Examiner provide support for such assertions.

Furthermore, even if the Examiner's indication that digitally encoding and decoding video signals is established, there is no suggestion in Toyoshima that such encoding and decoding may be employed to distinguish desired video signals from other video signals. Absent such a showing, the rejection of claim 3 under 35 U.S.C. § 103(a) must be withdrawn.

The Examiner similarly has failed to establish any disclosure or suggestion to employ an AM/FM radio as an audio receiver for wireless receipt of an audio signal component of an onboard audio/video signal generator, as recited in claim 6. For at least this reason, the rejection of claim 6 under 35 U.S.C. § 103(a) must be withdrawn.

Claims 3 and 6 also depend from claim 1, and thus are further distinguished from Toyoshima as set forth above in connection with claim 1. The rejection of claims 3 and 6 under 35 U.S.C. § 103(a) thus must be withdrawn for the same reasons as set forth above with respect to claim 1.

Regarding claim 5, which stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Toyoshima in view of Logan et al., applicant notes that the Examiner cites Logan et al. only for its reference to IR signal communication. However, Logan et al. relates to Internet communication of data, and thus is nonanalogous art. Furthermore, claim 5 depends from claim 1, and thus is distinguished from Toyoshima and Logan et al. for at least the same reasons as set forth above with respect to claim 1. The rejection of claim 5 under 35 U.S.C. § 103(a) thus must be withdrawn for the same reasons as set forth above with respect to claim 1.

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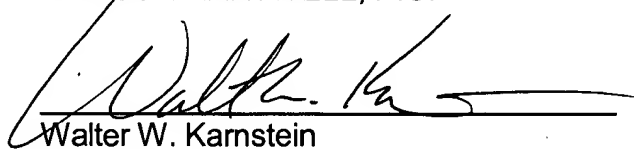
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Applicant believes that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicant respectfully requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

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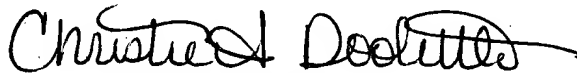
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on October 12, 2004.



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